

21924. Misbranding of tomato juice. U. S. v. 49 Cases of Tomato Juice. Default decree of condemnation. Product delivered to charitable organizations. (F. & D. no. 31697. Sample no. 38665-A.)

This case involved a shipment of tomato juice that was short volume.

On December 8, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 cases of tomato juice at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 7, 1933, by the Empire State Pickling Co., of Phelps, N.Y., from Philadelphia, Pa., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Silver Floss Brand Tomato Juice Contents One Pint Four Fl. Oz. * * * Warranted to comply with all pure food laws."

It was alleged in the libel that the article was misbranded in that the statement, "Contents One Pint Four Fl. Oz.", was false and misleading and deceived and misled the purchaser, and for the further reason that the statement on the label, "Warranted to comply with all pure food laws", was misleading since it created the impression that the article had been approved by the United States Government and that the Government guaranteed it to comply with the law, whereas it had not been so approved and was not so guaranteed. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of quantity was incorrect.

On February 23, 1934, no claimant having appeared for the property, judgment of condemnation was entered. The court ordered that the product be delivered to charitable organizations, since it contained nothing deleterious and was fit for human consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

21925. Adulteration of canned shrimp. U. S. v. 246 Cases of Canned Shrimp. Decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 31698. Sample nos. 50937-A, 50938-A.)

This case involved a shipment of canned shrimp that was found to be in part decomposed.

On December 12, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 246 cases of canned shrimp at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about September 2, 1933, having been consigned by Biloxi Canning & Packing Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed animal substance.

On January 3, 1934, R. Keith Hall, claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of costs and the execution of a bond in the sum of \$1,174, conditioned that the decomposed portion be segregated and destroyed under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

21926. Adulteration and misbranding of canned tomatoes. U. S. v. 10½ Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31699. Sample no. 64127-A.)

This case involved a shipment of canned tomatoes which contained maggots, which was substandard because of excessive peel, and which was not labeled to indicate that it was substandard.

On December 13, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10½ cases of canned tomatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about June 20, 1933, by Hazlehurst Canning Co., Inc., from Hazlehurst, Miss., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Shaver's Brand Hand Packed Tomatoes * * *. Packed by Hazlehurst Canning Co., Inc. Hazlehurst, Miss."